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7 *Attorneys for Plaintiff*

8 **UNITED STATES DISTRICT COURT**

9 **FOR THE DISTRICT OF NEVADA**

10
11 SADIYYAH ABDULLAH,
12 Plaintiff,
13 v.
14 WAL-MART STORES, INC., DOES I-V and
ROE CORPORATIONS VI-X, inclusive,
15 Defendants.

CASE NO.: 2:17-CV-02647

**STIPULATION AND ORDER
REGARDING THE RULE 35
EXAMINATION OF PLAINTIFF**

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties of record,
18 Orlando De Castroverde, Esq. of DE CASTROVERDE LAW GROUP, on behalf of Plaintiff
19 SADIYYAH ABDULLAH; Betsy C. Jefferis, Esq. of PHILLIPS SPALLAS & ANGSTADT on
20 behalf of Defendant WAL-MART STORES, INC., to the following terms and conditions for
21 the Rule 35 medical examination of SADIYYAH ABDULLAH by Dr. Jeffrey Wang.

22 1. The examination shall be limited exclusively to Plaintiff's medical conditions
23 that are in controversy in this particular action;

24 2. The designated physician shall not ask any questions which are not normally
25 a part of a customary medical examination (e.g. liability, potential monetary recovery,
26 professional criticisms, Plaintiff's motivation for or willingness to pursue the claim, Plaintiff's
27 intentions/thoughts regarding potential monetary recovery, past settlements).

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1 3. No x-rays, CT scans or MRI's shall be performed during the examination
2 unless advance permission is sought and approved in writing;
3 4. No mental or psychological examinations of Plaintiff shall be allowed;
4 5. Any paperwork or forms that Defendant's designated physician expects
5 Plaintiff to fill out and/or sign at the time of the Rule 35 medical examination, shall be
6 submitted to Plaintiff's counsel for her review and approval a minimum of 5 days prior to
7 the examination.

8 6. The examination will be limited to the date and time agreed to by counsel.
9 The designated physician shall not contact Plaintiff before or after the examination.

10 7. The designated physician may not engage in ex parte contact with Plaintiff's
11 health care providers or other experts.

12 8. Plaintiff will not bring any medical records or films to the exam, as Defense
13 counsel may provide these to the designated physician.

14 9. Both parties are permitted to audio record the examination if they so choose.

15 10. Defense Counsel shall provide the designated physician with a copy of these
16 terms and advise the designated physician that the examination is contingent on the
17 physician adhering to each and every rule.

18 11. Within ten (10) days of receipt by Defense Counsel, or by the initial expert
19 deadline, whichever is sooner, Defense Counsel shall provide Plaintiff's Counsel with a
20 copy of all reports and writings generated by the examining physician and/or the
21 physician's staff regarding this matter, including, but not limited to: A copy of a detailed
22 written report setting forth history, examination, findings, all diagnoses, all prognoses, all
23 conclusions of the examining physician, and all records reviewed.

24 12. Plaintiff shall not pay or incur any fee, unless she does not use her best
25 efforts to appear at the office of the examining physician at the scheduled time; and

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28 ///

1 14. Unless the examination begins within 30 (thirty) minutes of the
2 scheduled start time, the Plaintiff shall have the right to leave without penalty.
3

4 DATED this 2 day of February, 2018.

5 **DE CASTROVERDE LAW GROUP**

6 By: /s/ Kimberly Valentin

7 Kimberly Valentin
8 Nevada Bar No. 12509
9 1149 S. Maryland Pkwy.
10 Las Vegas, Nevada 89104
11 *Attorney for Plaintiff*

12 DATED this 2 day of February, 2018.

13 **PHILLIPS, SPALLAS & ANGSTADT LLC**

14 By: /s/ Betsy Jefferis

15 Betsy C. Jefferis
16 Nevada Bar No. 12980
17 504 S. Ninth Street
18 Las Vegas, NV 89101
19 *Attorney for Defendant*

ORDER

IT IS SO ORDERED that the examination shall be limited exclusively to Plaintiff's medical conditions that are in controversy in this particular action.

IT IS SO ORDERED that the designated physician shall not ask any questions which are not normally a part of a customary medical examination (e.g. liability, potential monetary recovery, professional criticisms, Plaintiff's motivation for or willingness to pursue the claim, Plaintiff's intentions/thoughts regarding potential monetary recovery, past settlements).

IT IS SO ORDERED that no x-rays, CT scans or MRI's shall be performed during the examination unless advance permission is sought and approved in writing.

IT IS SO ORDERED that no mental or psychological examinations of Plaintiff shall be allowed.

IT IS SO ORDERED that any paperwork or forms that Defendant's designated physician expects Plaintiff to fill out and/or sign at the time of the Rule 35 medical examination, shall be submitted to Plaintiff's counsel for his/her review and approval a minimum of 5 days prior to the examination.

IT IS SO ORDERED that the examination will be limited to the date and time agreed to by counsel. The designated physician shall not contact Plaintiff before or after the examination.

IT IS SO ORDERED that the designated physician may not engage in ex parte contact with Plaintiff's health care providers or other experts.

IT IS SO ORDERED that the Plaintiff will not bring any medical records or films to the exam, as Defense counsel may provide these to the designated physician.

IT IS SO ORDERED that both parties are permitted to audio record the examination if they so choose.

IT IS SO ORDERED that Defense Counsel shall provide the designated physician with a copy of these terms and advise the designated physician that the examination is contingent on the physician adhering to each and every rule.

IT IS SO ORDERED that within ten (10) days of receipt by Defense Counsel, or by the initial expert deadline, whichever is sooner, Defense Counsel shall provide Plaintiff's Counsel with a copy of all reports and writings generated by the examining physician and/or the physician's staff regarding this matter, including, but not limited to: A copy of a detailed written report setting forth history, examination, findings, all diagnoses, all prognoses, all conclusions of the examining physician, and all records reviewed.

IT IS SO ORDERED that Plaintiff shall not pay or incur any fee, unless she does not use her best efforts to appear at the office of the examining physician at the scheduled time; and

IT IS SO ORDERED unless the examination begins within 30 (thirty) minutes of the scheduled start time, the Plaintiff shall have the right to leave without penalty.

Dated this 6th day of February, 2018.

UNITED STATES MAGISTRATE JUDGE

Respectfully submitted by:

DE CASTROVERDE LAW GROUP

By: /s/ Kimberly Valentin
Kimberly Valentin
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Las Vegas, Nevada 89104
Attorneys for Plaintiff